

AFFIDAVIT

State of Ohio)
) ss
County of Franklin)

Before me, the undersigned notary, personally appeared John David Freshwater, who having first been duly sworn, deposes and says:

1. Affiant has personal knowledge of all matters set forth in this affidavit;
2. Affiant was interviewed by two investigators hired by the Mount Vernon City School District. According to the contract between the Mount Vernon City School District and the Mount Vernon Education Association affiant understands that Article 4, *Teaching Conditions*, Section 402, *Investigation of Complaints*, states, *The person against whom the complaint is made will be given the opportunity to provide a comprehensive written response to the complaint if he/she chooses to do so.* Even though I have never been a member of any union or the Mount Vernon Education Association, for the first time in my life I now understand I am protected by the union contract.
3. I was asked so many questions by the investigators that I'm glad I can go back and provide more information. When I was asked questions by the investigators I answered the best I could. I recorded my conversation with the interviewers because my attorney told me many times words can get misinterpreted or written wrong. So I taped the interview with a recorder. I've listened to the tape many times after the interview – at least ten times. I do not like the sound of my voice and all the um's and ah's I use when I speak. Each time I listened to the interview recording I thought of more stuff I wanted to add. So I am glad I can write a statement to help explain stuff in case you investigators do not ask me certain questions when we meet again next week on Wednesday on May 28, 2008. Because it is just my nature or habit to answer questions by repeating the question, it is my understanding I am to write and speak as if I were writing a letter or giving a speech to the world to explain things. It is my understanding I am trying to speak and write so that people could not misunderstand what I am saying. I know when I speak I am thinking of a million things and sometimes what I say can be confusing so it is my understanding to think, write and speak with a goal of communicating as clearly as I can.
4. Like I said FCA was formed here after crossclub. I was only the teacher facilitator, monitor, supervisor for the 8th grade students. 7th grade was Lori Miller and 6th grade was Dino Deottore. In my opinion FCA used to be much more active than this past year. Lori Miller started a leadership group in 7th grade. Then about 3, 4, 5, years ago some of the 7th graders in Lori's leadership group came to me and asked if I would be their teacher for the 8th grade leadership meetings. I asked Lori what they did. I learned they called speakers and stuff which was fine because before the leadership group every year before there was a leadership group there were 2-3 kids from 7th grade that Lori Miller told me would be organizing the 8th grade FCA. Recognize that FCA used to do school

announcements before Bill White arrived – the school announcements were done over the television. On the school television announcements FCA students would do skits to invite other kids to come to FCA. That's why I say FCA use to be more active before this schoolyear. No I was never in the skits. No I did not approve the announcements or help create them. The students did it all.

5. There was a Monday leadership meeting and a Tuesday meeting where anybody could come. The leadership group was all 8th grade students. They met in my classroom. I was in there sometimes and Andrew Thompson was in there. Ruth Frady was in there. Now I was not always there in the room when FCA was meeting. I had to go to the office, get my lunch, do other stuff. So other teachers were in there. The meeting could go the whole period. The students used my class phone to call speakers, leave messages, play videos, talk, pray – they did FCA stuff.
6. Tuesday FCA meetings were different because there were 3 lunch periods that lasted a full period but the speaker was only there for 15-20 minutes. Tuesday meetings were in the bandroom and on the stage. I was in and out there too. When I was there I stayed in the back of the room. Sometimes I ate my lunch, read the newspaper, graded papers. I was just there to make sure the speaker was treated well and the students didn't get unruly. That's all I did.
7. You asked if I contact speakers. Your question was not very precise. No – I don't initiate contact with speakers to come in and speak when I am at school. I have other things I am doing. If I talk to a speaker it is because I know them or I know who they are and I see them out in the community. If I talk to them while I am outside school it is my understanding from my book "Finding Common Ground" that I can talk to whoever I want even if it involves FCA. If I call a speaker while I am actually at school it is to confirm they are coming on the date the kids tell me they are coming. I have done it that way for years. Now with the new forms I had to sign called Speaker Request forms I wanted to make sure I called speakers to tell them the time and location. Sometimes kids would say they called a speaker and later found out the speaker was not coming. I have to facilitate, monitor, supervise and so I call to make sure someone is coming and to make sure any new speaker is not a criminal. Plus, my three kids have been involved in FCA since my son Luke was in the 8th grade. I can talk to my kids at home and at school about FCA. If the school does not want me to talk to my own kids then the school needs to get another teacher to be the supervisor, monitor, facilitator of the FCA for 8th grade.
8. Over the years the kids have kept a list of speakers and their names and phone numbers in a folder they would keep on my desk. FCA kept the folder there in my room because my room was the 8th grade FCA room. My book "Finding Common Ground" says FCA can keep things in my room if other student groups can keep things in classrooms. When Mr. Kuntz sent Emily Rhoten and the Brandenburg girl to my room it was my understanding I was supposed to let them and the rest of FCA store FCA stuff in my room. I mean I have been doing it for 17 years.
9. You asked if you could have a copy of the FCA speaker list and I told you I don't know. It is my understanding you can have a copy.
10. You asked if I pray with the students. I told you I pray all the time. When I pray sometimes it is with my eyes closed and my head bowed. I use what I call Nehemiah arrow prayers from Nehemiah 2:4. I pray silently all the time. I shoot like an arrow

prayers to GOD all the time. Sometimes my eyes are open. As I am giving you this answer I can be praying and petitioning GOD for discernment. I pray all the time.

Again – your question was not very precise. No I do not pray out loud with the students when they are in FCA. If somebody says I did I would tell them to get an audiotape of me praying. During the interview you kept saying leave my daughter out of it. I have been going to church in Mount Vernon for 15+ years. I go to church with these kids. I teach Sunday school. If I ask them to pray it would be at church or a church function. I do not need to ask students to pray at FCA because they do that without me saying anything. No, I do not ask students to pray at FCA. If I ask my children to pray at home, school or church I can do so as their father. I have talked to my daughter this year about praying and leading FCA. I have talked to her at home, school and church about FCA. I have not asked my daughter to pray at FCA when we were in front of others because that might embarrass her because I would be correcting her in front of friends.

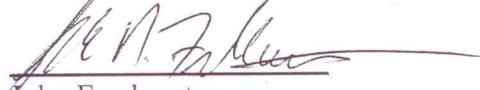
11. You asked if I held my hands over a non schools speakers head with students in a circle prayed something about removing Satan from the man. No I did not. If what you are referring to was March 18 with Pastor Zirkle I made notes about that when Mr. White asked me about it. You can also talk to Pastor Zirkle who works here in Mount Vernon. My notes say:

March 19th – Bill White ask to see me in his office
ask what is my position in FCA – reply – facilitator - monitor
-Bill - #2 complaints about Tuesday – March 18th meeting – Pastor Zirkle
That his son was “dragged” into FCA and had no permission slip + had no permission slip
Then I prayed with my hands raised up + I was chasing + driving out the devil – my response “so you are saying I had an exorcism”
(next card)
-I explain what happened – Zirkle had object lesson “hot seat” He talked about his Dr. appointment. Then he prayed – student prayed
I had arms up (Dr. appointment – physical therapy on shoulder that day) – told him
-discuss – students in hall + unsupervised at lunch
-discuss – after school + before school – no permission slips

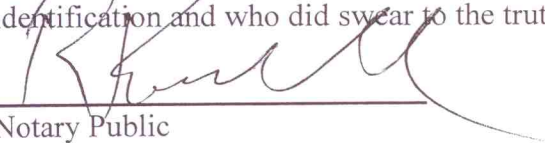
First – I would not know what to do in an exorcism. Second – I did not pray with the students about Pastor Zirkle. Third – there were students getting noisy in the hallway and I knew FCA had to get out of the bandroom. FCA needed to be over. I did not want a teacher to complain because a student was late. I had to get to my class and greet my students at the door like I usually did. I did not want to be disrespectful to the students or Pastor Zirkle so I said “Amen” as to get the students going and to clear out the FCA kids from the bandroom. At about the same time I said “Amen” a student said “Amen” to close the prayer. Whether the student initiated the first “Amen” or I said it first I don’t know. But when you asked if I initiated an “Amen” I did to tell the students to get to class.

12. You asked if I or any speaker ever said anything about "saved one" or students on playground going to hell or that students should disobey the law to further a religion. Again I don't know where that is from and I have not heard that or know what that is about.

FURTHER AFFIANT SAYETH NAUGHT.


John Freshwater

The foregoing affidavit was sworn to and acknowledged before me this May 25, 2008, by John Freshwater, who is personally known by me or who provided satisfactory identification and who did swear to the truthfulness of the above.


Notary Public



R. KELLY HAMILTON, ATTORNEY AT LAW
Notary Public
In and for the State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.